

VIRGINIA FAIR HOUSING BOARD

MINUTES OF MEETING

December 8, 2010

The Fair Housing Board Meeting was held at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

David B. Rubinstein, Chairman
Tonye Epps
Martin Maples
Matthew K. Kim (arrived 10:28 A.M.)
Andrew Reisinger
F. Thomas Eck, IV
Neil Bhatt
Phyllis Randall

Board members not present: Jeffrey Adkins
Rosario Carrera
Jim Ginnell

DPOR Staff present for all or part of the meeting included:

Gordon Dixon, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Liz Hayes, Fair Housing Administrator
Deanda Shelton, Assistant Fair Housing Administrator
Emily Trent, Administrative Assistant
Angela Keefe-Thomas, Fair Housing Investigator
Matt Vincent, Fair Housing Investigator

Tom Payne, Assistant Attorney General with the Office of the Attorney General, was present.

Chairman Rubinstein called the meeting to order at 10:04 **Call to Order**
A.M.

A motion was made by Mr. Maples and seconded by Mr. **Agenda**
Eck to approve the Agenda. The motion passed
unanimously. Members voting "Yes" were: Bhatt, Eck,
Epps, Maples, Randall, Reisinger and Rubinstein.

A motion was made by Mr. Eck and seconded by Mr. Maples to approve the September 29, 2010, Fair Housing Board Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Maples, Randall, Reisinger and Rubinstein.

Minutes

A motion was made by Mr. Maples and seconded by Ms. Epps to approve the November 3, 2010, Regulatory Review Committee Meeting minutes. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Maples, Randall, Reisinger and Rubinstein.

There was no public comment.

Public Comment

Liz Hayes updated the Board on the current investigative case load.

**Fair Housing
Administrator's Report**

Board Member Matthew Kim arrived at 10:28 A.M.

Arrival of Board Member

In the matter of **FHB File Number 2010-01029, RRCSB-AAA v. Village at Griffinsburg Homeowners Association**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. Brian Duncan, Director for complainant, and Steve Lewellyn, attorney for the respondents, appeared and addressed the Board. A motion was made by Mr. Maples and seconded by Ms. Randall to refer the case to the Office of the Attorney General for a consultation opinion. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2010-01029, RRCSB-AAA v. Village at Griffinsburg Homeowners Association

In the matter of **FHB File Number 2010-02398, Marilyn Huff v. Alfreda Williams, Marci J. Griffin, James Griffin, Jr., and Home Free USA**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. James Griffin, Jr., respondent, appeared and addressed the Board. A motion was made by Ms. Randall and seconded by Mr. Kim to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2010-02398, Marilyn Huff v. Alfreda Williams, Marci J. Griffin, James Griffin, Jr., and Home Free USA

In the matter of **FHB File Number 2010-02896, Frances Owens v. Wilton Real Estate Corporation**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General. Frances Owens, complainant, Hank Wilton, respondent, and J. C. Cancellari, Attorney for respondent, were present and addressed the Board.

FHB File Number 2010-02896, Frances Owens v. Wilton Real Estate Corporation

At 11:04 A.M., Mr. Eck offered a motion which was seconded by Mr. Reisinger, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne, Liz Hayes and Angela Keefe-Thomas.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

15. FHB File Number 2010-02896, Frances Owens v. Wilton Real Estate Corporation

At 11:24 A.M., a motion was made by Mr. Eck and seconded by Mr. Kim that the Board reconvene in open session.

WHEREAS, the Fair Housing Board has convened a closed meeting on this date pursuant to an affirmative recorded vote in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the *Code of Virginia* requires a certification by this Fair Housing Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Fair Housing Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which

this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fair Housing Board.

VOTE: 7-0

AYES: Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

NAYS: None.

ABSENT DURING THE VOTE: Bhatt, was not present during closed session due to potential conflict of interest.

ABSENT DURING THE MEETING: Adkins, Carrera and Ginnell.

In the matter of **FHB File Number 2010-02896, Frances Owens v. Wilton Real Estate Corporation**, a motion was made by Ms. Randall and seconded by Ms. Epps to find reasonable cause that the respondent, Wilton Real Estate Corporation, refused to rent based upon familial status. The motion passed unanimously. Members voting "Yes" were: Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2010-02896, Frances Owens v. Wilton Real Estate Corporation

A motion was made by Mr. Maples and seconded by Mr. Eck to find reasonable cause that the respondent, Wilton Real Estate Corporation, made discriminatory statements based upon familial status. The motion passed unanimously. Members voting "Yes" were: Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

Mr. Bhatt did not participate in the discussion or vote in this matter due to possible conflict of interest.

In the matter of **FHB File Number 2011-01835, Reginald Douglas and Malcolm Blanks v. Mary Holman, 220 Marshall Street, LLC and Plus Management**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Eck and seconded by Mr. Reisinger to close the case with a finding of no reasonable cause. The motion passed unanimously.

FHB File Number 2011-01835, Reginald Douglas and Malcolm Blanks v. Mary Holman, 220 Marshall Street, LLC and Plus Management

Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

In the matter of **FHB File Number 2010-04338, Nabila Salame v. Countryside Proprietary**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Ms. Randall and seconded by Mr. Bhatt to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2010-04338, Nabila Salame v. Countryside Proprietary

In the matter of **FHB File Number 2010-02946, Mohammad Salim and Chun Taj v. Fairfax County Department of Housing and Community Development and Julie Gray**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Reisinger and seconded by Mr. Eck to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

FHB File Number 2010-02946, Mohammad Salim and Chun Taj v. Fairfax County Department of Housing and Community Development and Julie Gray

In the matter of **FHB File Number 2010-04379, Jodi Cerv v. Robert C. Rosemary Kesling**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation and Official Consultation Memorandum from the Office of the Attorney General.

FHB File Number 2010-04379, Jodi Cerv v. Robert C. Rosemary Kesling

At 11:40 A.M., Mr. Reisinger offered a motion which was seconded by Mr. Maples, that the Board meeting be recessed and that the Fair Housing Board immediately reconvene in closed meeting for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by §2.2-3711.A.7 of the *Code of Virginia*. The following non-members will be in attendance to reasonably aid the consideration of the topic: Tom Payne and Liz Hayes.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

16. FHB File Number 2010-04379, Jodi Cerv v. Robert

C. & Rosemary Kesling

At 12:05 P.M., a motion was made by Mr. Bhatt and seconded by Mr. Maples at the Board reconvene in open session.

In the matter of the **File Number 2010-04379, Jodi Cerv v. Robert C. & Rosemary Kesling**, a motion was made by Ms. Randall and seconded by Mr. Reisinger to find reasonable cause that the respondent refused to negotiate for the renting of the dwelling. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

**File Number 2010-04379,
Jodi Cerv v. Robert C. &
Rosemary Kesling**

A motion was made by Mr. Bhatt and seconded by Ms. Randall to find no reasonable cause the respondent discriminated by making discriminatory statements. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

In the matter of **FHB File Number 2010-04832, Gregory Wood v. Gary Beumer and M & W Properties, Inc.**, the Board reviewed the record which consisted of the Final Investigative Report and Case Analysis and Recommendation. A motion was made by Mr. Bhatt and seconded by Mr. Maples to close the case with a finding of no reasonable cause. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

**FHB File Number 2010-
04832, Gregory Wood v.
Gary Beumer and M & W
Properties, Inc.**

In the matter of the **File Number 2010-05856, Dimetra Redd v. Varina Station Partnership, L.P.**, a motion was made by Mr. Bhatt and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

**File Number 2010-05856,
Dimetra Redd v. Varina
Station Partnership, L.P.**

In the matter of the **File Number 2011-01977, Housing Opportunities Made Equal v. Shirley and Frank Oesterle**, a motion was made by Mr. Bhatt and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck,

**File Number 2011-01977,
Housing Opportunities
Made Equal v. Shirley
and Frank Oesterle**

Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

In the matter of the **File Number 2011-01976, Housing Opportunities Made Equal of Virginia, Inc. v. Michael Malpass**, a motion was made by Mr. Bhatt and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-01976, Housing Opportunities Made Equal of Virginia, Inc. v. Michael Malpass

In the matter of the **File Number 2011-01524, Diane Carnes-Williams and Ronnie Williams v. Isaac DeRegibus and Platinum Management 85/15a, LLC**, a motion was made by Mr. Bhatt and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-01524, Diane Carnes-Williams and Ronnie Williams v. Isaac DeRegibus and Platinum Management 85/15a, LLC

In the matter of the **File Number 2011-01541, Billie Cloe and Jessica Dillon v. Lavon Lowery**, a motion was made by Mr. Bhatt and seconded by Mr. Kim to approve the terms of the conciliation agreement as agreed to by the parties. The motion passed unanimously. Members voting "Yes" were: Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

File Number 2011-01541, Billie Cloe and Jessica Dillon v. Lavon Lowery

A motion was made by Mr. Maples and seconded by Mr. Reisinger to reconsider the action for temporary Emergency Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

Administrative Issues

A motion was made by Mr. Maples and seconded by Ms. Randall to withdraw the regulatory action for Emergency Fair Housing Regulations. The motion passed unanimously. Members voting "Yes" were Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Fair Housing Board. Andrew Reisinger nominated F. Thomas Eck, IV for the position of Vice-Chair. Tonye Epps nominated Phyllis Randall for the position of Vice-Chair. With no other nominations, the nominations were closed. Members voting for F. Thomas

Eck, IV, for the position of Vice-Chair were Bhatt, Eck and Reisinger. Members voting for Phyllis Randall for the position of Vice-Chair were Epps, Kim, Maples and Randall. Phyllis Randall was nominated as Vice-Chair of the Fair Housing Board.

Robert Payne, Assistant Attorney General with the Office of the Attorney General, gave the Board a litigation report. No action was taken by the Board.

In the matter of **File Number 2009-02089, Fair Housing Board v. KBS, Inc., Warner & Associates, Timmons Group & Oakland Chase Associates, LP**, a motion was made by Mr. Kim and seconded by Ms. Epps to extend the issuing charge date to the end of the month. The motion passed unanimously. Members voting "Yes" were Bhatt, Eck, Epps, Kim, Maples, Randall, Reisinger and Rubinstein.

The Board adjourned at 12:32 p.m.

David B. Rubinstein, Chairman

Gordon Dixon, Secretary